

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of:

SUE GENTRY,

Respondent

HUDALJ 90-1490-DB(LDP)

Sue Gentry, *pro se*

John W. Bowlin, Esquire
For the Government

Before: THOMAS C. HEINZ
Administrative Law Judge

DETERMINATION AND ORDER

Statement of the Case

This proceeding arose pursuant to 24 C.F.R. Sec. 24.100 *et seq.* as a result of action taken by the Department of Housing and Urban Development ("the Department" or "HUD") on February 23, 1990, imposing upon Respondent Sue Gentry a twelve-month Limited Denial of Participation (LDP) in all multi-family and assisted housing programs under the jurisdiction of the Department within the states of Texas, Louisiana, Oklahoma, New Mexico, and Arkansas. By letter dated May 9, 1990, Respondent appealed and requested a hearing in Wichita Falls, Texas.

On May 30, 1990, the Department was ordered to file a Complaint and the Respondent was ordered to file an Answer to that Complaint. The Department filed a timely Complaint and Respondent filed a response on July 23, 1990, which did not comply with the rules of practice governing this proceeding (24 C.F.R. Sec. 26.1 *et seq.*). Thereafter, the Department filed a "Motion for More Definite Statement" requesting issuance of an Order directing the Respondent to make specific responses to the specific allegations of the Complaint as required by 24 C.F.R. Sec. 26.11. That motion was granted on August 23, 1990, in an Order which also directed Respondent to file a statement indicating three acceptable dates in November 1990 on which the requested oral hearing could begin in Wichita Falls, Texas. That Order warned Respondent that

unless she filed an Answer which complies with the rules of practice, "the Government's factual allegations will have to be taken as admitted by Respondent." Despite that warning, Respondent filed no response to the August 23, 1990, Order. On September 18, 1990, the Department filed a "Motion to Dismiss." Again, Respondent failed to file any response. Respondent clearly has failed to prosecute her case. Her failure to respond to the September 18, 1990, motion to dismiss constitutes consent to granting the motion (24 C.F.R. Sec. 26.13(c)), and by failing to specifically deny the specific allegations in the Department's Complaint, she admits those allegations. (24 C.F.R. Sec. 26.11)

Conclusions and Order

In accordance with 24 C.F.R. Secs. 26.13(f) and 26.24, I find that the record contains adequate evidence to support the LDP issued against Respondent on February 23, 1990, and that the LDP was issued in accordance with law. Accordingly, Respondent's appeal and request for hearing are hereby **ORDERED** dismissed.

/s/

THOMAS C. HEINZ
Administrative Law Judge

Dated: October 18, 1990

